IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 17347 of 2007(M)

PETITIONER:

SREELATHA I.,
UD TYPIST, OFFICE OF THE DRUGS INSPECTOR,
PALAKKAD-678 014.

BY ADV. SRI.B.RAGUNATHAN
SRI.V.V.MATHEW

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY**
   PRINCIPAL SECRETARY TO GOVERNMENT,
   HEALTH AND FAMILY WELFARE DEPARTMENT,
   GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM-695 001.

2. **DRUGS CONTROLLER,**
   KERALA STATE, THIRUVANANTHAPURAM-695 035.

BY SR.GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.17347/2007 M

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER DTD. 8/12/2005 OF THE 2ND RESPONDENT.**

EXT.P2: **COPY OF THE ORER DTD. 21/02/2006 OF THE 2ND RESPONDENT.**

EXT.P3: **COPY OF THE ORDER DTD. 27/07/2006 OF THE 2ND RESPONDENT.**

EXT.P4: **COPY OF THE REPRESENTATION DTD. 28/07/2006.**

EXT.P5: **COPY OF THE ORDER DTD. 24/08/2006 IN WP(C) NO. 22842 OF 2006.**

EXT.P6: **COPY OF THE JUDGMENT DTD. 30/08/2006 IN WP(C) NO.22842 OF 2006.**

EXT.P7: **COPY OF THE LETTER DTD. 22/12/2006 OF THE 2ND RESPONDENT.**

EXT.P8: **COPY OF THE ORDER (LETTER) DTD. 7/02/2007 OF THE 2ND RESPONDENT.**

EXT.P9: **COPY OF THE LETTER DTD. 22/24/01/2007 OF THE 2ND RESPONDENT.**

EXT.P10: **COPY OF THE ORDER DTD. 17/05/2007 OF THE 2ND RESPONDENT.**

EXT.P11: **COPY OF THE ORDER DTD. 10/03/2005 OF THE 2ND RESPONDENT.**

/TRUE COPY/

P.A.TO JUDGE

KSS

V.GIRI,J.

W.P (C) No. 17347 of 2007

Dated this the 12th November, 2007

J U D G M E N T

The petitioner, who is working as U.D.Typist in the office of the Drugs Inspector, Palakkad seeks a category change and appointment to the post of U.D.Clerk. It is contended that she was earlier appointed as U.D Clerk on 8.12.2005 by Exhibit-P1 order. While so, the Junior Superintendent of the Department who was on deputation was repatriated to the parent department and this was followed by reversion in the posts of Junior Superintendent, Head Clerk and U.D. Clerk. Petitioner was therefore sent back to the post of U.D. Typist as per Exhibit-P2 order and after the reversion of the petitioner when a retirement vacancy of Junior Superintendent arose, in that vacancy the Junior Superintendent and the Head Clerk who were reverted under Exhibit-P2 order were later promoted. According to the petitioner, she alone was not given a category change to the post of U.D.Typist vide Exhibit-P8 order which came to be passed pursuant to the direction issued by this Court. It is mentioned that petitioner will be considered again to the vacancy which was then scheduled to arise on 28.2.2007 on

account of the retirement of Smt. M.J. GRacy from the post of Administrative Assistant. This was in recognition of the fact that every sixth vacancy in the post of U.D.Clerk has to be filled up by category change from the general category. That has not been done so far, contends the petitioner. According to the petitioner, there are 41 posts of U.D.Clerks in the Drugs Control Department at present. There is only one Typist who has been appointed as Clerk on a category change on the basis of the provisions contained in the Government Order G. O (MS) No.301/68/PD dated 25.9.1968. Petitioner contends that she is senior and qualified to be appointed to the cadre of U.D.Clerk. In the circumstances, she contends that she is entitled to be appointed as U.D. Clerk on category change, at any rate, she should have been accommodated in a vacancy which arose on 28.2.2007 on account of the retirement of the incumbent. It is also contended that, as evidenced by Exhibit-P1, another vacancy in the post of U.D.Clerk arose consequent upon the promotion of Junior Superintendent to the post of Stores Superintendent and consequential promotion of the seniormost U.D.Clerk to the post of Stores Superintendent, on 17.5.2007.

2. In a counter affidavit filed by the 2nd respondent, petitioners eligibility as such to be posted as U.D Clerk on category change is not denied. But it is contended that a clarification has been sought for from the Administrative Department as to the manner in which the Government Orders regulating the appointment of U.D.Typists as U.D.Clerks by category change is to be implemented. The Department is now in the final stages of processing the petitions received from the Clerks and Typist in the Department and a list will be drawn up. Posting will be granted and category change will be permitted by taking note of the date of occurrence of the vacancy as well.

3. I heard the learned counsel for the petitioner Mr. B.Raghunathan and the Senior Government Pleader Sri. Nandakumar also.

4. I take note of the fact that there are 41 vacancies in the post of U.D.Clerks in the Drugs Control Department and there is no dispute that every 6th vacancy will have to go to U.D.Typist who is otherwise eligible for appointment to the post of U.D.Clerk by category change. There also seems to be no denial that there is only one person, at present working in the

Drugs Control Department, who is appointed on category change from the post of U.D. Typist to the post of U.D Clerk. In the circumstances, the 2nd respondent is directed to pass orders regarding the petitioner's claim for appointment as U.D.Clerk for category change to the Drugs Control Department, within one month from the date of receipt of a copy of this judgment, taking note of the observations in the judgment. The writ petition is disposed of as above.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007